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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,623

08/28/2003

Yuusaku Ohta

2003_1215A

5299

513 7590 12/26/2007
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EXAMINER

YALEW, FIKREMARIAM A

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,623

Applicant(s)

OHTA ET AL.

Examiner

Fikremariam Yalew

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 17, 18, 20-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 17-18, 20-22, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The office action is in replay to an amendment filed on 10/04/2007. Claims 1-10,17-18,20-22,24 have been amended. Claims are 11-16,19,23 canceled. Claims 1-10,17-18,20-22,24 are pending.
2. The Examiner withdrawal 35 USC 101 rejections based on the applicant canceled the claim.

Response to Arguments

3. Applicant's arguments with respect to claim 1-10,17-18,20-22,24 have been considered but are moot in view of the new ground(s) of rejection.

Specification

4. The amendment filed 10/04/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: For example the key delivery apparatus includes(page 3 line 12),deliver(page 3 line 17),operable(page 7 line 23),program stored on(page 9 line 18),program includes(page 9 line 22).....etc.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 9 recites the limitation "the predetermined connection period" in lines 11. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction should required

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2,17-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (hereinafter referred as Maeda) US 2004/0228487 in view of Spagna et al(hereinafter referred as Spagna)US Patent No 6587837.**

7. Claims 1-2,17-24 rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al (hereinafter referred as Maeda) US 2004/0228487.

8. As per claims 1,21-24: Maeda discloses a key delivery apparatus/system/computer program/computer readable recording medium that manages a decryption key for decrypting an encrypted content and manages a

suppliable number, which is a number indicating a number of times the decryption key can be supplied to a terminal apparatus connected to a network, the key delivery apparatus comprising:

a receiving unit operable to receive, from the terminal apparatus, a supply request which is a request for the decryption key(see 0058-0059 and Fig 3 step 14);

a supply determining unit operable, if the terminal apparatus is a legitimate supply target, to determine whether the terminal apparatus is a terminal apparatus of a first-type that manages a content-usage period and whether the terminal apparatus is a terminal apparatus of a second-type that does not manage the content-usage period(See Fig 3 step 15 and 0058-0059); and

a key supply unit operable, if the suppliable number indicate that the decryption key can be supplied, to supply to the terminal apparatus, (i)the decryption key and a key-usage period of the decryption key if the supply determining unit determines that the terminal apparatus is of the first-type and (ii)the decryption key without the key usage period, if the supply determining unit determines that the that the terminal apparatus is of second-type (See 0055,0058-0059,0089), wherein the supply determining unit determines that the terminal apparatus is of the first-type if the terminal apparatus records the encrypted content, the decryption key, and the key-usage period onto a portable recording medium(See 0042,0049).

Maeda does not explicitly teach a supply determining unit operable, if the terminal apparatus is a legitimate supply target, to determine whether the terminal apparatus is a terminal apparatus of a first-type that manages a content-usage period

and whether the terminal apparatus is a terminal apparatus of a second-type that does not manage the content-usage period.

However Spagna teaches a supply determining unit operable, if the terminal apparatus is a legitimate supply target, to determine whether the terminal apparatus is a terminal apparatus of a first-type that manages a content-usage period and whether the terminal apparatus is a terminal apparatus of a second-type that does not manage the content-usage period(See col 10 line 15 through col 11 line 7 and col 14 lines 48-67).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teaching method of Spagna within Maeda method in order to prevent the improper usage of contents.

9. As per claim 2: the combination of Maeda and Spagna disclose the key delivery apparatus wherein the network is a home network connected to an external network; content is received from outside the home network; and the key delivery apparatus determines whether each terminal apparatus connected to the home network is a legitimate supply target (See Fig 3 steps 21, 1, s4 and 0002, 0056).

10. As per claim 17: Maeda discloses portable recording medium that receives supply of a decryption key for decrypting an encrypted content from a key delivery apparatus that manages the decryption key to the portable recording medium comprising:

a key reception unit operable to receive the decryption key and a key-usage period of the decryption key from the key delivery apparatus, when the key delivery apparatus determines that supplying the decryption key to the portable recording

medium is possible(See 0055,0058-0059,0089); a key-information storage unit operable to store the decryption key and the key-usage period(See 0042,0049);a period determining unit operable to determine whether the key-usage period has expired;

Maeda does not explicitly teach a deletion unit operable to delete the decryption key and the key-usage period when the period determining unit determines that the key-usage period has expired.

However Spagna teaches a deletion unit operable to delete the decryption key and the key-usage period when the period determining unit determines that the key-usage period has expired(See col 14 lines 48-67 and col 50 line 55 through col 51 line 5).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teaching method of Spagna within Maeda method inorder to prevent the improper usage of contents.

11. As per claim 18: the combination of Maeda and Spagna disclose the recording medium wherein the key reception unit includes a decryption subunit operable, when the decryption key and the key-usage period of the decryption key are to be received, to (i) receive an encrypted decryption key and an encrypted key-usage period, (ii)decrypt the encrypted decryption key and decrypt the encrypted key-usage period and (iii) generate the decryption key and the key-usage period (See Maeda 0040, 0058-0059,0089).

12. As per claim 20: Maeda discloses the recording medium further comprising: a proprietary determining unit operable to receive, from the key delivery apparatus,

search information identifying the decryption key, and operable to determine whether the decryption key is stored on the portable recording medium, using the search information (See Maeda 0058-0059,0089 and Fig 3 step 15); and a proprietary notifying unit operable, when the proprietary determining unit determines that the decryption key is stored on the portable recording medium, to transmit to the key delivery apparatus, information indicating that the decryption key is stored on the recording medium(See Maeda 0058-0059,0089 and Fig 3 step 15).

13. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (hereinafter referred as Maeda) US 2004/0228487 in view of Spagna et al(hereinafter referred as Spagna)US Patent No 6587837 and further in view of Marshall et al(hereinafter referred as Marshall) US Patent No 4,866,707

14. As per claim 3:Maeda and Spagna disclose claim 1 as recited above. Maeda and Spagna do not explicitly teach the key delivery apparatus further comprising: a key-information storage unit operable to store the key-usage period subsequent to the key supply unit supplying the decryption key and the key-usage period to the terminal apparatus of the first-type; a period determining unit operable to determine whether the key-usage period has expired; and a time management unit operable to add "1" to the suppliable number when the period determining unit determines that the key-usage period has expired.

However Marshall discloses the key delivery apparatus further comprising: a key-information storage unit operable to store the key-usage period subsequent to the key supply unit supplying the decryption key and the key-usage period to the terminal

apparatus of the first-type(col 7 lines 17-29); a period determining unit operable to determine whether the key-usage period has expired(col 7 lines 17-29); and a time management unit operable to add "1" to the suppliable number when the period determining unit determines that the key-usage period has expired(See col 7 lines 17-29).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the teaching method of Maeda to include a key-information storage unit operable to store the key-usage period subsequent to the key supply unit supplying the decryption key and the key-usage period to the terminal apparatus of the first-type; a period determining unit operable to determine whether the key-usage period has expired; and a time management unit operable to add "1" to the suppliable number when the period determining unit determines that the key-usage period has expired.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, (See Maeda 0009) inorder to prevent the improper usage of contents.

15. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (hereinafter referred as Maeda) US 2004/0228487 in view of Spagna et al(hereinafter referred as Spagna)US Patent No 6587837 and further in view of Marshall et al(hereinafter referred as Marshall) US Patent No 4,866,707 further in view of Mooney et al(hereinafter referred as Mooney) US Patent No 6,351,813 B1.

16. As per claim 4: the combination of Maeda- Spagna-Marhsall teach claim 3 as recited above. The combination of Maeda- Spagna-Marhsall do not explicitly teach the key delivery further comprising: a date-time storage unit operable to store at least one of a first group and a second group, the first group including (i)date-time information indicating the key-usage period and a supply date-time of the decryption key, and (ii)identification information indicating the supply target to be the terminal apparatus of the first-type, and the second group including(i) date-time information indication the a supply date-time of the decryption key, and(ii) identification information indicting the supply target to be the terminal apparatus of the second-type; a date-time determining unit operable to determine whether a present date-time has reached the supply date-time; and a date-time supply unit operable, when the data time determining unit determines that the present date-time has reached the supply date-time, to supply the decryption key and the key-usage period to the terminal apparatus of the first-type or supply the decryption key to the terminal apparatus of the second-type, based on the identification information.

However Mooney discloses the key delivery further comprising: a date-time storage unit operable to store at least one of a first group and a second group, the first group including (i)date-time information indicating the key-usage period and a supply date-time of the decryption key, and (ii)identification information indicating the supply target to be the terminal apparatus of the first-type, and the second group including(i) date-time information indication the a supply date-time of the decryption key, and(ii) identification information indicting the supply target to be the terminal apparatus of the

second-type(See col 10 lines 27-35); a date-time determining unit operable to determine whether a present date-time has reached the supply date-time(See col 10 lines 27-35); and a date-time supply unit operable, when the data time determining unit determines that the present date-time has reached the supply date-time, to supply the decryption key and the key-usage period to the terminal apparatus of the first-type or supply the decryption key to the terminal apparatus of the second-type, based on the identification information(See col 10 lines 27-35).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Mooney within the combination of Maeda-Spagna-Marshall method in order to prevent the improper usage of content.

17. As per claim 5: the combination of Maeda-Spagn-Marshall-Mooney discloses the key delivery further comprising: a search requesting unit operable to transmit, to the terminal apparatus of the first-type and the terminal apparatus of the second-type, search information identifying the decryption key (See Maeda 0049-0051); and a proprietary information receiving unit operable to receive information indicating whether the decryption key is stored by the terminal apparatus of the first-type or the terminal apparatus of second-type(See Maeda 0039-0041).

18. As per claim 6: the combinations of Maed-Spagn-Marshall-Mooney discloses the key delivery apparatus wherein the key delivery apparatus stores secret information, which is information to be used as a reference when determining whether the terminal apparatus is a the legitimate supply target; the supply determining unit

includes an authentication subunit operable to determine whether the terminal apparatus is storing the secret information; and the supply determining unit determines that the terminal apparatus is the legitimate supply target when determines that the terminal apparatus is storing the secret information(See Maeda Fig 3 step 15 and 0058-0059).

19. As per claim 7: the combinations of Maeda-Spagn-Marshall-Mooney discloses the key wherein the key supply unit includes a remaining number determining subunit operable to determine whether the suppliable number is greater than a predetermined reference number; and the key supply unit determines that the suppliable number indicates that the decryption key can be supplied when the key supply unit determines that the suppliable number is greater than the predetermined reference number (See Maeda Fig 4 steps 1001,1002, Fig 5 steps 2000-2002).

20. As per claim 8: the combinations of Maeda-Spagn-Marshall-Mooney discloses the key delivery apparatus wherein the key supply unit further includes an encryption subunit operable(i) to encrypt the decryption key and the key-usage period when the decryption key and the key-usage period are to be supplied the terminal apparatus of to the first-type, and(ii) to encrypt the decryption key when the decryption key is to be supplied to terminal apparatus of the second-type, and the key supply unit, when the key supply unit determines that the suppliable number has indicates that the decryption key can be supplied, supplies to the terminal apparatus,(i) the encrypted decryption key and the encrypted key-usage period when it is determined that the terminal apparatus is

of the first-type and (ii) the encrypted decryption key when it is determined that the terminal apparatus is of the second-type (See Maeda 0055,0058-0059,0089).

21. As per claim 9: the combinations of Maeda-Spagn-Marshall-Mooney disclose the key delivery apparatus further comprising: a historical information storage unit operable to store historical information indicating a connection date-time of the terminal apparatus of the first-type (See Marshall col 7 lines 17-2); a connection determining unit operable to determine, using the connection date-time, whether the terminal apparatus of the first-type was connected to the network within a predetermined connection period (See Marshall col 7 lines 17-2); and a connection management unit operable to add "1" to the suppliable number when it is determined that the terminal apparatus of the first-type was not connected to network within the predetermined connection period (See Marshall col 7 lines 17-2).

22. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (hereinafter referred as Maeda) US 2004/0228487 in view of Spagna et al (hereinafter referred as Spagna) US Patent No 6587837 and further view of Marshall et al (hereinafter referred as Marshall) US Patent No 4,866,707 and further in view of Mooney et al (hereinafter referred as Mooney) US Patent No 6,351,813 B1.

23. As per claim 10: the combination of Maeda-Spagn-Marshall-Mooney disclose claim 8 as recited above. The combination of Maeda-Spagn-Marshall-Mooney do not explicitly disclose the key delivery apparatus further comprising: a frequency storage unit operable to store a usage frequency of the decryption key by the terminal apparatus

of the first-type; a frequency determining unit operable to determine whether the usage frequency has reached a predetermined reference frequency; and a connection management unit operable to add "1" to the suppliable number when it is determined that the usage frequency has reached the predetermined reference frequency.

However Hamada discloses the key delivery apparatus further comprising: a frequency storage unit operable to store a usage frequency of the decryption key by the terminal apparatus of the first-type (See 0020,0028); a frequency determining unit operable to determine whether the usage frequency has reached a predetermined reference frequency; and a connection management unit operable to add "1" to the suppliable number when it is determined that the usage frequency has reached the predetermined reference frequency(See 0020,0028).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Hamada within the combination of Maeda and Marshall-Moony method in order to protect a copy right for a content provider when the content data is moved or paused (See Hamada 0011)

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 5712738300. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4195.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2136

12,20,07